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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,218	01/27/2000	David H. Sitrick	STD 1757	9593
20787	7590	01/26/2005		
SITRICK & SITRICK 8340 N LINCOLN AVENUE SUITE 201 SKOKIE, IL 60077			EXAMINER FLETCHER, MARLON T	
			ART UNIT 2837	PAPER NUMBER

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/492,218

Applicant(s)

SITRICK, DAVID H.

Examiner

Marlon T Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-23,25-82,86-92,94,95 and 97-118 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 41-51 is/are allowed.
- 6) ☐ Claim(s) 1-7,9-23,25-40,53-76,79-82,86-92,94,95 and 99-118 is/are rejected.
- 7) ☐ Claim(s) 52,77,78,97 and 98 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

There are several dependent claims that do not depend on preceding claims. Correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-23, 25-40, and 53-76, 79-82, 86-92, 94-95, and 99-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (5,176,520) in view of Morgando (4,386,551) and Ishii (5,400,687).

Hamilton discloses a display system for use by a plurality of users in providing a plurality of display presentations of a selected composition, said system comprising: a plurality of individual workstations (101), each workstation comprising a communication

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interface (figure 1; and column 5, lines 11-18) providing for communications with the respective workstation of data representative of the selected composition and memory (RAM) for locally storing the data responsive to the communications interface as discussed in column 5, lines 26-32 and column 6, lines 25-46; and a display apparatus (102) for providing a local visual display presentation representative of the selected composition responsive to the stored data. The system further comprises an input device (104) responsive to a performance by the user of the displayed composition for providing an output of user performance data. The music display system comprises memory means (232); processing means (CPU 233) coupled to the memory means (232) for processing the music data to provide presentation data; and means (104) for editing the presentation to create a modified presentation and storing data representative of the editing in the memory means; wherein the processing means provides modified presentation data responsive to the data representative of the editing, and wherein the presentation apparatus is responsive to the modified presentation data to display the modified video presentation (column 5, lines 43-66; column 6, line 64 through column 7, line 14). The system is housed in a common housing to form a self-contained unit as seen in figures 1 and 2a-2c. The system further comprises means for synchronizing the presentation on the plurality of local visual display presentations of the selected composition, wherein the system can be used in a environment to provide the same as discussed in the abstract. Hamilton provides a system, wherein a user interface is provided for a user signal responsive to a user

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stimulus. Hamilton discloses that the user interface is a touch screen video display as discussed in column 6, lines 18-24.

Hamilton discloses most of the components of the claimed invention.

However, the differences can be made up by Morgando and Ishii.

Morgando discloses a presentation apparatus to provide a video presentation on a video display responsive to the presentation data (column 3, lines 23-52; figures 7 and 8).

Ishii discloses a system, comprising advancing the presentation of the video display to show the time advance of music notation responsive to the user signal via means (13, 14). Ishii provide a system, wherein the user interface is hands-free and is a switch as seen in figure 1. Ishii provides a system, wherein the music display changes location over time, wherein the multiple different signals provide for selective control of music display location movement to one of forwards, backwards, and to a marked location as seen in figure 1. The system includes a footswitch (21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Morgando and Ishii with the apparatus of Hamilton, because Morgando and Ishii provide a musical environment, wherein small enhancements that overall make Hamilton more efficient with more ability for performance in editing as well as displaying composition which can be musical or other type composition, wherein the overall teachings provide a master (teacher) station in communication with a plurality of substations (students), wherein composition can be

transmitted in a communication manner to provide accurate or desired data between stations.

***Allowable Subject Matter***

1. Claims 41-51 are allowed.
2. Claims 52, 77, 78, 97, and 98, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

3. Applicant's arguments filed 11/15/2004 have been fully considered but they are not persuasive.

While the applicant has made an attempt to better write the claims to make the claims more clear, the examiner believes that the limitations are still met by the prior art. Clearing up grammatical errors and better writing of the claims, does not change the merits and the claims. While some claims are made more narrow, the subject matter added to the claims, is subject matter that was rejected in the previous office action. Applicant is advised that the objected allowable subject matter can be incorporated into the independent base claims to provide allowable claims. Applicants arguments have been considered, but are not persuasive for allowance of the claims. The rejection stands as presented in the last office action.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-W, F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Marlon T. Fletcher  
Primary Examiner  
Art Unit 2837

MTF  
01/24/2005